

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION

6 ePLUS, INC. : Civil Action No.
7 vs. : 3:09CV620
8 LAWSON SOFTWARE, INC. : January 11, 2011

11 COMPLETE TRANSCRIPT OF THE JURY TRIAL
12 BEFORE THE HONORABLE ROBERT E. PAYNE
13 UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

16 Scott L. Robertson, Esquire
Michael G. Strapp, Esquire
Jennifer A. Albert, Esquire
17 David M. Young, Esquire
Goodwin Procter, LLP
18 901 New York Avenue NW
Suite 900
19 Washington, D.C. 20001

20 Craig T. Merritt, Esquire
Christian & Barton, LLP
21 909 East Main Street
Suite 1200
22 Richmond, Virginia 23219-3095
Counsel for the plaintiff

Peppy Peterson, RPR
Official Court Reporter
United States District Court

1 APPEARANCES: (cont'g)

2 Dabney J. Carr, IV, Esquire
3 Troutman Sanders, LLP
3 Troutman Sanders Building
4 1001 Haxall Point
4 Richmond, Virginia 23219

5 Daniel W. McDonald, Esquire
6 Kirstin L. Stoll-DeBell, Esquire
6 William D. Schultz, Esquire
7 Merchant & Gould, PC
7 80 South Eighth Street
8 Suite 3200
8 Minneapolis, Minnesota 55402

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Christopherson - Direct

1159

1 is where I lost you. ^ you check out at the customer, not the
2 customer but the vendor site and then it was at that point
3 where I got lost.

4 Q Let me start over. Let's hear the whole question. When
5 users have filled their shopping carts, virtually speaking, and
6 checked out from the vendor website using Lawson procurement
7 punchout, the chosen items and their price are then returned to
8 the Lawson server, and a requisition is created using the
9 Lawson requisition self-service application; correct?

10 A That's correct.

11 Q Isn't it true that the current version of the Lawson
12 procurement punchout includes the capability to punch out to
13 multi-vendor catalogs?

14 A That's correct.

15 Q One of those examples of a site that you can go that is a
16 multi-catalog vendor -- excuse me, multi-vendor catalog, is
17 SciQuest; correct?

18 A That's correct.

19 Q Another example of a multi-vendor catalog site that's
20 available for the punchout procurement is an organization known
21 as GHX; correct?

22 A That is correct.

23 Q That stands for Global Healthcare Exchange?

24 A That's correct.

25 Q And Global Healthcare Exchange that provides this

Christopherson - Direct

1160

1 multi-vendor catalog capability is a punchout trading partner
2 of Lawson; correct?

3 A That's correct. They are on the list, yes.

4 Q It's an accurate statement to say that if Lawson could not
5 market a requisition module, it could not effectively compete
6 in the supply chain management product market?

7 A I would say that that would be an accurate statement, yes.

8 Q It's also accurate to say if Lawson could not offer a
9 purchase order module, Lawson could not effectively compete in
10 the supply chain management product market?

11 A That would also be correct.

12 Q You've heard a lot of talk about the implementation and
13 installation services that Lawson offers. I just want to be
14 clear that Lawson will provide implementation services to
15 assist its customers with importing vendor catalog data into
16 the item master.

17 A I didn't hear a question in that, sir.

18 Q Let me restate it then. Perhaps I misspoke. Is it true
19 that Lawson provides implementation services to assist its
20 customers with importing vendor catalog data into the item
21 master?

22 A If the customer so chooses and wants that service, yes, we
23 do.

24 Q So for most situations where a customer licenses the
25 supply chain management suite or the procurement modules we've